HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.16878 OF 2006

Between:

Smt. K.Kanaka Durga
. . .Petitioner

AND

Municipal Corporation of Hyderabad and another
. . .Respondents

Counsel for the Petitioner : Shri Dammalapati Srinivas

Counsel for the Respondents : Smt. G.Jyothi Kiran

Dated: 27th September, 2006

: ORDER :

PER G.S.SINGHVI, CJ

This petition is directed against notice dated 05.08.2006 issued to the petitioner by Commissioner, Municipal Corporation of Hyderabad under Section 452 of Hyderabad Municipal Corporation Act, 1955 to show cause against removal of the alleged unauthorized constructions.

Learned counsel for the petitioner says that his client will feel satisfied if she was given reasonable opportunity to file reply to the show cause notice. He submits that the petitioner may be granted six weeks time to file reply to the show cause notice.

Learned counsel for the respondents says that if the petitioner files reply to the show cause notice, then the same will be considered objectively and appropriate order will be passed in accordance with law.

In view of the statements made by learned counsel for the parties, the writ petition is disposed of in the following terms:

1) Within six weeks from today, the petitioner shall file reply to notice dated 05.08.2006. Along with the reply, the petitioner may submit documents to show that she has not raised construction in violation of the sanctioned plan.

2) Within next three weeks, the competent authority shall, after giving opportunity of personal hearing to the petitioner or her representative, pass appropriate order in accordance with law. Such order shall be communicated to the petitioner or her representative at the end of three weeks period specified hereinabove.

3) Till passing of appropriate order by Commissioner, Municipal Corporation of Hyderabad, the petitioner shall neither raise any further construction nor alienate the property to third party or create any right in favour of any other person.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 27.09.2006

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